Publication Date: 05-18-2004
Requesting Department: Commission for Arts and Culture
Type of Notice: Public Notice

ITEM 52

ORDINANCE: O-19280 (NEW SERIES)

DATE OF ADOPTION
BY CITY COUNCIL: MONDAY, MAY 17, 2004

REGARDING: PUBLIC ART MASTER PLAN

FOR ADDITIONAL
INFORMATION,
CONTACT: VICTORIA HAMILTON,   (619) 533-3440

PUBLIC NOTICE

PUBLIC ART MASTER PLAN

ORDINANCE NUMBER O- <u>19280</u> (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 6,
DIVISION 7, OF THE SAN DIEGO MUNICIPAL CODE BY
AMENDING SECTION 26.0701, BY RENUMBERING AND
AMENDING SECTION 26.0702 TO 26.0703, SECTION 26.0703
TO 26.0704, AND SECTION 26.0705 TO 26.0702; BY ADDING
NEW SECTION 26.0705; BY RETITLING AND AMENDING
SECTIONS 26.0706 AND 26.0707, AND BY ADDING NEW
SECTIONS 26.0708, 26.0709, 26.0710, 26.0711, AND 26.0712,
ALL RELATING TO THE COMMISSION FOR ARTS AND
CULTURE AND THE DEVELOPMENT OF CULTURAL AND
ARTISTIC RESOURCES IN THE CITY OF SAN DIEGO.

This ordinance makes changes to the City of San Diego's laws pertaining to the Public

Art Program. It contains amendments specifying that for all private industrial and commercial

development projects with total building permit valuations equal to or greater than $5,000,000, one percent of that amount shall be set aside to pay for the design, fabrication, and installation of an artwork at the site of the development. Alternatively, it specifies that the requirements of the ordinance may be satisfied through maintaining a portion of the development available for a designated cultural use. The ordinance also provides for the payment of an "in lieu" fee of one half of one percent of the total building permit valuation for the development to the Public Art Fund if the applicant chooses not to install an artwork at the site of the development or maintain a portion of the development available for a cultural use.

The ordinance exempts the following from its requirements: 1) commercial and industrial development with a total building permit valuation of less than $5,000,000; 2) any premises which has an institutional use; 3) any premises used solely for residential development; 4) any premises which is owned or leased solely by a non-profit entity and used in furtherance of the owner's or lessee's non-profit purpose; 5) industrial or commercial development that is not open or accessible, in its entirety, to the general public for national security reasons; and, 6) industrial or commercial development that is not open or accessible, in its entirety, to the general public due to the storage and use of hazardous, radiological, or infectious materials that may jeopardize the public's safety.

The ordinance also specifies that the Executive Director of the Commission for Arts and Culture shall determine the value of the artwork installed at the site of a development or that portion of a development site which is made available for a cultural use based on submittals provided by the applicant and data available to the Development Services Department. The ordinance provides for an appeal process for any determination made by the Executive Director

of the Commission for Arts and Culture, as well as the return of unexpended fees after five years under certain circumstances.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its final passage, since a written or printed copy will be available to the City Council and the public a day prior to its final passage.

This ordinance shall take effect and be in force on the sixtieth day from and after its passage.

A complete copy of this ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

Introduced as amended on May 4, 2004.

Passed and adopted by the Council of the City of San Diego on May 17, 2004.

AUTHENTICATED BY:

DICK MURPHY
Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California

By: Peggy Rogers, Deputy